

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Duane L. JOHNSON *et al.*

Confirmation No.: 8933

Application No.: 10/575,528

Group Art Unit: 1794

Filed: April 2, 2007

Examiner: Dalila TOUSSAINT

For: Production of Gluten-Free Products Using Timothy Grass

Mail Stop Petition

Commissioner for Patents

U.S. Patent and Trademark Office

P. O. Box 1450

Alexandria, VA 22314-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

The above-identified application became abandoned because of Applicants' unintentional failure to timely file a proper reply to the Office Action mailed on March 24, 2009.

Applicants hereby petition for revival of this application and include the following items:

1. Petition fee under 37 C.F.R. § 1.17(m)

[X] The Commissioner is hereby authorized to charge \$ 810.00 to Deposit Account 50-1283.

2. Proper Response

A. The proper response (Response to Requirement For Restriction) is enclosed herewith.

Adjustment date: 12/07/2009 CKHLOK  
10/06/2009 INIEFSW 00006926 501283 10575528  
02 FC:2255 1175.00 CR

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity of \$ \_\_\_\_\_ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

4. Statement. The entire delay in filing 35 U.S.C. 371(c) requirements from their due date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

In support of Applicants' Petition to Revive, Applicants submit that the entire delay in the required reply submitted together with this petition was unintentional.

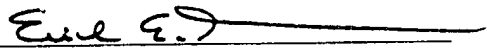
Except for issue fees payable under 37 CFR §1.18, the commissioner is hereby authorized by this paper to charge any additional fees during the pendency of this application including fees due under 37 CFR §1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1283.

Dated: October 6, 2009

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Respectfully submitted,  
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By:

  
Erich E. Veitenheimer, Ph.D  
Reg. No. 40,420

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>12/4/09</u>		2 Serial/Patent # <u>10/575528</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
<input checked="" type="checkbox"/>	Extension of Time		10/6/09	\$ 1,175.00
	Notice of Appeal/Appeal			\$
	Petition			\$
	Issue			\$
	Cert of Correction/Terminal Disc.			\$
	Maintenance			\$
	Assignment			\$
	Other			\$
7 TOTAL AMOUNT OF REFUND			\$ 1,175.00	
8 TO BE REFUNDED BY:				
10 REASON:		Treasury Check		
	Overpayment	Credit Deposit A/C #:		
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<input checked="" type="checkbox"/>	No Fee Due (Explanation):			
<u>paid unnecessary EOT fee</u>				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>Joan Olszewski</u>		TITLE: <u>Petition Examiner</u>		
SIGNATURE: _____		PHONE: <u>571-272-7751</u>		
OFFICE: <u>Office of Petitions</u>				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <u>CKhlok</u>		DATE: <u>12/4/09</u>		

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*